

# EXHIBIT D

VOLUME II

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO: 02-12216 PBS

**H. CHARLES TAPALIAN**

**vs.**

**LAWRENCE HAVRYLIK, ET AL**

**CONTINUED DEPOSITION OF JAMES V.**

**TUSINO**, taken pursuant to Rule 30 of the Massachusetts Rules of Civil Procedure on behalf of the Plaintiff, before Dawn M. Cunningham, CSR, RPR, and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Goudreau & Grossi Court Reporting, 63 Winthrop Street, Taunton, Massachusetts, on **Wednesday, June 29, 2005**, commencing at 1:34 p.m., pursuant to Notice and agreement of parties as to the date and time of taking said deposition.

\* \* \* \* \*

Goudreau & Grossi  
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(508) 823-4659

1 or laws that Mr. Tapalian has violated in  
2 Seekonk; is that correct?

3 A No.

4 Q That's not correct?

5 A It's correct.

6 Q It's correct. Okay.

7 A I'm not aware of any law.

8 Q Okay. You're not aware of any.

9 A Stop trying to trick me.

10 Q No, no, no. That's --

11 When Mr. Lehane talked about the last  
12 thing the town wanted to do would be to be  
13 perceived as giving in, did you understand  
14 what he was -- what was your understanding of  
15 what he was saying?

16 A I'm not really sure I even recall some of  
17 that conversation. I read it to mean that he  
18 didn't want to settle.

19 Q Okay. Did Mr. Lehane express opinions about  
20 Mr. Tapalian to you?

21 A No. He felt that -- you know, he was unhappy  
22 with -- he felt that it was the nastiest  
23 litigation that he ever was involved in or he  
24 just thought, you know, the tone of it was

1 just nasty.

2 I think he liked you though.

3 Q He did.

4 A I'm pretty sure he did.

5 Q I'm sure that the feeling was mutual.

6 What was discussed about putting  
7 teeth in further dealings with Mr. Tapalian?

8 What was the -- what was discussed at  
9 this executive session about that?

10 A What I recall is that they wanted to prevent  
11 this type of thing from happening or somehow  
12 protect themselves further. You know, I --  
13 in all honesty that didn't involve me, what  
14 they were gonna do with the planning board or  
15 the zoning or the building inspector or the  
16 town administrator. That had nothing to do  
17 with me. I mean I had enough trouble trying  
18 to just focus on the things I needed to focus  
19 on.

20 Q Okay. Sure, you were focusing on your own  
21 situation primarily.

22 A Uh-huh.

23 Q That's correct?

24 A Yeah.